

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 30, 2004 and Interview Summary dated June 1, 2004. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Applicant respectfully requests reconsideration and favorable action in this case.

Foreign Priority

In accordance with 37 C.F.R. 1.55, Applicant intends to submit a certified copy of the priority document upon receipt of favorable action in the present application and prior to payment of any issue fees.

Rejections under 35 U.S.C. §103

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0000215 filed by Jeff Powell ("Powell") in view of U.S. Patent 2,372,485 issued to A.M. Griffin ("Griffin") or U.S. Patent 2,586,528 issued to B.S. Gerson ("Gerson"). Applicant respectfully traverses and submits Claims 1-20 are patentable over Powell in view of Griffin or Gerson.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Powell discloses that a "compression limiter formed by a roll forming process includes a substantially cylindrical body portion and a plurality of feet." (Abstract)

Griffin discloses self-staking bushing. (Title) The bushing has an "edge between groove 8 and the oversized portion 10 [that] forms a cutting edge," that "shears the metal of the bore wall and turns it into groove 7 as shown in Fig. 2 and as indicated by the numeral 11." (Col. 2, lines 47-52)

Gerson discloses "bushings" that are "especially adapted for reinforcing openings in the walls of die-castings." (Col. 1, lines 1-4)

Applicant's Claim 1 calls for various features including a "plastic piece comprises a projection on the hole wall of the fixing hole and the metallic insert comprises at least one recess on its outer wall which interacts with the projection when the metallic insert is inserted into the fixing hole, in order to hold the metallic insert in the fixing hole of the plastic piece."

Applicant's Claim 19 calls for various features including a "plastic piece further comprises a projection on the hole wall of the fixing hole for interacting with at least one recess on the outer wall of the metallic insert."

Applicant's Claim 20 calls for various features including a "metallic insert comprises at least one recess on its outer wall which interacts with a projection of the plastic piece when the metallic insert is inserted into the fixing hole, in order to hold the metallic insert in the fixing hole of the plastic piece."

Powell, Griffin or Gerson cannot make obvious Applicant's Claims 1, 19 or 20, because Powell, Griffin or Gerson does not teach, suggest or disclose all of the elements recited by Claims 1, 19 or 20. For example, Powell, Griffin or Gerson fails to teach, disclose or suggest a "plastic piece comprises a *projection on the hole wall of the fixing hole* and the *metallic insert comprises at least one recess on its outer wall* which interacts with the projection when the metallic insert is inserted into the fixing hole, in order to hold the metallic insert in the fixing hole of the plastic piece," as recited by Claim 1. (emphasis added) Additionally, Powell, Griffin or Gerson fails to teach, disclose or suggest a "plastic piece further comprises a *projection on the hole wall of the fixing hole for interacting with at least one recess on the outer wall of the*

metallic insert," as recited by Claim 19. (emphasis added) Additionally, Powell, Griffin or Gerson fails to teach, disclose or suggest a "*metallic insert comprises at least one recess on its outer wall which interacts with a projection of the plastic piece when the metallic insert is inserted into the fixing hole,* in order to hold the metallic insert in the fixing hole of the plastic piece," as recited by Claim 20. (emphasis added)

In contrast, neither Powell, Griffin nor Gerson disclose a metallic insert with a recess that interacts with a projection of a plastic piece that in generally holds the insert in the hole of the plastic piece. For example, Gerson discloses a bushing inserted in a die-cast in which the "indentations" are formed with walls having "an obtuse angle with the surface of the bushing, in order to facilitate the flow of metal therein." (Col. 2, lines 45-51) Thus, Gerson does not teach, disclose, or suggest a projection of a plastic piece that interacts with a recess in a metallic insert.

Additionally, Griffin discloses that the bushing has a cutting edge that "shears the metal of the bore wall and turns it into groove 7." (Col. 2, lines 47-52) Thus, Griffin does not teach, disclose or suggest a projection of a plastic piece that interacts with a recess in a metallic insert.

The Examiner states that "[i]t would have been obvious ... to have formed indentations and grooves on the metal insert of Powell in order to better lock it into place within the plastic hole because of the teachings of Griffin or Gerson." (Part of Paper No./Mail Date 02, page 3) Applicant respectfully disagrees with the Examiner. In fact, Powell discloses that the compression limiter include a "plurality of feet 24 to transmit the bolt load of the fastener 14 to the component 12." (See Powell, paragraph 0025) As such, Applicant asserts that the plurality of feet in Powell are not used for interacting with the plastic piece but are used to interact with the fastener and the component for transmitting bolt loads. Thus, there is no suggestion for combining Powell with either Griffin or Gerson.

In light of the foregoing, Applicants submit that Powell, Griffin or Gerson cannot make obvious Applicant's Claims 1, 19 or 20 and respectfully request the Examiner to withdraw the rejections and allow Claims 1, 19 and 20.

Claims 2-8 depend from and provide further patentable limitations to independent Claim 1. Because Claim 1 is allowable, Claims 2-4 are allowable. Therefore, Applicant requests withdrawal of the rejections and allowance of Claims 1-20.

Rejections under 35 U.S.C. §102

Claim 20 was rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Griffin or Gerson. Applicant respectfully traverses and submits Claim 20 is patentable over Griffin or Gerson.

Applicant's Claim 20 calls for various features including a "metallic insert comprises at least one recess on its outer wall which interacts with a projection of the plastic piece when the metallic insert is inserted into the fixing hole, in order to hold the metallic insert in the fixing hole of the plastic piece."

Griffin or Gerson cannot anticipate Claim 20 because Griffin and Gerson fail to teach, disclose or suggest all of the elements recited by Claims 20. For example, Griffin and Gerson fail to teach, disclose or suggest a "metallic insert comprises at least one recess on its outer wall which *interacts with a projection of the plastic piece* when the metallic insert is inserted into the fixing hole, in order to hold the metallic insert in the fixing hole of the plastic piece," as recited by Claim 20. (emphasis added) Applicant asserts that neither Griffin or Gerson disclose a projection of the plastic piece used to hold the metallic insert in the fixing hole.

For example, Gerson discloses a bushing inserted in a die-cast in which the "indentations" are formed with walls having "an obtuse angle with the surface of the bushing, in order to facilitate the flow of metal therein." (Col. 2, lines 45-51) Thus, Gerson does not teach, disclose, or suggest a projection of a plastic piece that interacts with a recess in a metallic insert.

Further, Griffin discloses that the bushing has a cutting edge that "shears the metal of the bore wall and turns it into groove 7." (Col. 2, lines 47-52) Thus, Griffin does not teach, disclose or suggest a projection of a plastic piece that interacts with a recess in a metallic insert.

Therefore, Applicant asserts that neither Gerson or Griffin anticipate Applicant's Claim 20. Applicant respectfully requests the Examiner to reconsider, withdraw and allow Claim 20.

CONCLUSION

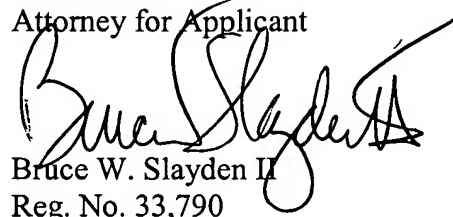
Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of Claims 1-20.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2606.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicant



Bruce W. Slayden II
Reg. No. 33,790

SEND CORRESPONDENCE TO:

Baker Botts L.L.P.
CUSTOMER ACCOUNT NO. 31625
512.322.2606
512.322.8306 (fax)

Date: October 20, 2004